

Appl. No. 10/734,005  
Response dated November 19, 2008  
Reply to Office Action of August 20, 2008

### **Remarks**

Claims 1-11, 13, and 19-22 were previously canceled. Claim 17 is currently canceled. Thus, claims 12, 14-16, and 18 remain pending in the application.

Claim 12 has been amended to incorporate the limitation of original claim 17. No new matter has been added.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendment and remarks and the following response is respectfully requested.

### **Response to Rejections**

Claims 12, 14, and 16-17 have been rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over U.S. Patent No. 4,734,478 to Tsubakimoto et al. (hereinafter "Tsubakimoto"). This rejection is respectfully traversed as applied to the presently amended claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. The application of the "teaching, suggestion, or motivation" (TSM) test is not "rigid." However, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness . . . ." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) (emphasis added).

Applicants' currently amended claim 12 requires, *inter alia*, that

1. The coating material is a solid particle, porous particle, or an agglomeration of particles

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2. The coating material is a granule, pulverulent, powder, or sphere
3. The coating material comprises a cellulosic material.

Tsubakimoto fails to teach or suggest all these claim limitations and thus fails to render claim 12 and those claims depending therefrom obvious for at least this reason. To wit, Tsubakimoto discloses the use of water alone or a mixture of water with a water-miscible organic solvent as the aqueous liquid. (See e.g., Col. 5, lines 67-68). Tsubakimoto also discloses using water-soluble polymers such as carboxymethyl cellulose and hydroxyethyl cellulose dissolved in the mixture of water or other compounds. (See e.g., Col. 6, lines 6-10 and 26-30). As such, the carboxymethyl cellulose and hydroxyethyl cellulose of Tsubakimoto are in solution and are not "a solid particle, porous particle, or an agglomeration of particles" and are not a "granule, pulverulent, powder, or sphere" as required by the currently amended claims. Thus, Tsubakimoto fails to teach or suggest the coating material as claimed.

Applicants respectfully request that this rejection be withdrawn for at least this reason.

**Claims 12 and 14-18 have been rejected under 35 U.S.C. §103(a) as being obvious and unpatenable over Tsubakimoto in view of U.S. Patent No. 6,376,011 to Reeves et al. (hereinafter "Reeves"). This rejection is respectfully traversed as applied to the presently amended claims.**

As discussed above Tsubakimoto fails to render Applicants' claims obvious because Tsubakimoto fails to teach or suggest the coating material as claimed. Claims 12 and 14-18 depend from claim 12 and are patentably distinct over Tsubakimoto for at least the same reason. Reeves was added to teach that heated air may be used for coating SAP particles in a fluidized bed. Reeves was not added to cure the defects of Tsubakimoto as discussed above. Thus, no *prima facie* case of obviousness has been established with regard to claims 12 and 14-18 in view of the combination of Tsubakimoto and Reeves.

Applicants respectfully request that this rejection be withdrawn for at least this reason.

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For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

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Respectfully submitted,

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